

REMARKS

The amendment to claim 1 is supported at page 10 lines 6-8 of the specification.

Regarding the rejections of claim 1 and claims dependent therefrom

Claim 1 as amended now requires that the weir opening is adjustable, not only with respect to the surface of the fluid in a vessel, but also with respect to the buoyancy means itself.

The apparatus described by Morgan (U. S. 4,015,629) does not and cannot have that feature. In Morgan's apparatus, the position of weir opening relative the the surface of a fluid is adjusted by changing the buoyancy of the entire device. Although this can be effective, it requires additional and expensive equipment, such as air hoses, fittings and pumps, in order to make adjustments. In the present invention, flow rates can be easily controlled without adjusting the buoyancy of the buoyancy means, simply by adjusting the level of the weir openings relative to the buoyancy means. This can be accomplished using very simple, inexpensive mechanical devices.

Morgan therefore does not anticipate nor suggest the subject matter of amended claim 1, or any claim depending from claim 1.

The Bauer reference was discussed at length in the previous response. It requires that the weir opening always be horizontal, and always be submerged. This is a significantly different design than both the present invention and Morgan. No combination of Bauer and Morgan leads to the invention of amended claim 1.

Also as discussed in the previous response, Ayukawa or Diggs are cited only because they show, respectively, a rainwater sewage system and an irrigation system. Neither secondary reference describes any of the features of present claim 1 that are missing from Morgan.

Regarding the rejections of claim 17 and claims dependent therefrom

Claim 17 is drawn to a floating weir assembly, in which the weir opening is entirely submerged and the weir opening includes adjustment means to adjust the opening size and thereby adjust the rate of flow of fluid through the weir opening.

Morgan's weir assembly is clearly different from the invention of claim 17, as his weir openings (1) are not entirely submerged and (2) lack means to adjust the weir opening

size. What Morgan does instead is provide weir openings of fixed size, which are only partially submerged. Flow rates are adjusted by Morgan by adjusting the position, not the size, of these openings.

Bauer, Ayukawa and Diggs cannot be combined with Morgan to obtain the invention of claim 17.

Respectfully submitted,
GARY C. COHN PLLC

Gary C. Cohn
Registration No. 30,456
Phone: (215) 931-0372
1174 N. 4th St., Unit 6E
Philadelphia, PA 19123
(215) 931-0372
fax: (215) 931-0374